

MEMORANDUM

COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: February 19, 2015
TO: Planning Commission
FROM: Planning Staff
SUBJECT: PLN 2002-00517 (O'Rourke/San Mateo Real Estate and Construction)

PROPOSAL

Consideration of a Major Subdivision, a Grading Permit, and certification of a Final Environmental Impact Report (FEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed Ascension Heights Subdivision located in the unincorporated San Mateo Highlands area of San Mateo County.

BACKGROUND

On January 28, 2015, the Planning Commission received a presentation by staff, the applicant, and the Baywood Park Homeowners Association, and took public testimony on the proposed project. The Planning Commission continued proceedings to the February 25, 2015 hearing in order to receive testimony from the remaining public speakers, and to deliberate on the proposed project.

Based on some of the comments and feedback received during the January 28, 2015 hearing, staff has provided a few points for clarification. Planning staff, the environmental consultant, and the applicant will be available for additional questions and discussion at the February 25, 2015 hearing.

EIR - Missing Documents

Concerns have been raised about missing documents from the EIR. Specifically, the omission of "Figure 3.4" from the Final Environmental Impact Report (FEIR) - Volume II (Revised Draft EIR), which is the Site Plan, helps illustrate the general parcel layout referenced within the EIR (see Attachment A). The omission was an oversight and the site plan was provided upon request, and was included in the Draft EIR (DEIR) released in April 2014. The Revised DEIR is packaged with the FEIR to reflect any edits as a result of the comments received during the public review period.

It has been indicated that other documents have been left out or should have been included in the FEIR (specifically the Hydrology Report required by the Department of Public Works, and drainage system details included as Attachments C-3, C-4, C-5, and C-6 to the Staff Report dated January 28, 2015). However, for the purposes of identifying significant environmental impacts, and suggesting mitigation measures to reduce those impacts to less than significant levels, those documents were not necessary. These documents are produced for review by other County agencies and the fact that they were not appended to the FEIR does not compromise the adequacy of the environmental review contained within the FEIR. The referenced reports and documents included with the FEIR's appendices were considered sufficient for preparing the environmental document. Other technical documents prepared for the project are available for public review upon request.

10- vs. 100-Year Storm Requirements

Questions have been raised regarding the level of design for the proposed stormwater drainage system against 10-year and 100-year storms. To clarify, a 10-year storm design is required for all projects, but a 100-year storm design is only required for projects within a designated flood zone. The project site is not within a flood zone; therefore, a design against a 100-year storm event is not required for review by the Department of Public Works, or necessary for identifying significant environmental impacts from data already collected.

The drainage retention system proposed is common throughout recent developments on varying slopes and soils type, as reviewed and approved by the Department of Public Works (DPW). The system proposed (as detailed in Attachments C-3, C-4, C-5, and C-6 to the Staff Report, dated January 28, 2015) is not a new design or untested, and when installed per approval of DPW and maintained properly, will contain storm runoff in a controlled manner that is superior to the existing site conditions.

Building on Steep Lots

Concerns have been expressed about proposed construction on steep slopes. There are several areas within the County unincorporated areas with a history of development on steep slopes similar to those on the subject site. Through proper grading and engineering observing the latest geotechnical practices and regulations, development on steep slopes is feasible. The plans and geotechnical-related sections of the FEIR have been reviewed by the County's Acting Geologist, who summarizes that the mitigation measures are thorough and will address the geological hazards identified within the environmental document, and that the development of the site would not make the site unsafe and unstable (see Attachment B).

Privacy along Shared Property Line with Parrot Drive Homes

It has been suggested that there should be a "buffer" between the rear of the new lots proposed as part of the subdivision and the rear of the existing lots that front on Parrott Drive, in order to protect privacy, and retain/maintain vegetation to provide screening

between the existing and new homes. This concept was discussed by the Planning Commission during its review of the previous version of the subdivision, but a recommendation for a designated “buffer” was not specifically included in its decision letter (Attachment E to the Staff Report, dated January 28, 2015).

In redesigning the project, the applicant considered this option, but decided against including a designated buffer area that would be in common ownership, because it would create a relatively narrow strip of land between the back yard fences of existing and new lots that would be hard to monitor and maintain. Instead, the applicant is proposing that the 20-foot rear yard setback area that is required per the zoning on each lot would provide an adequate buffer. That area, coupled with the 20-foot rear yard setback required to existing homes, will provide a 40-foot buffer area between new and existing homes. With the “buffer” area included in individual lots, responsibility for maintenance of landscape screening will be clear, and individual homeowners will be motivated to maintain their own property.

Staff’s determination is that this is a reasonable solution to privacy issues, consistent with the layout of existing lots and homes in the neighborhood which is governed by the same R-1/S-8 Zoning Regulations. While it is often desirable from the residents’ view point to have a property that backs on to open space, even in hillside areas, it is common to have residential lots abutting each other to the rear, and residents have options available (fencing, landscaping) to help protect their privacy. However, if the Planning Commission determines that the situation with this proposed subdivision requires additional assurance that privacy will be maintained, a “landscape maintenance easement” could be required along the rear of the proposed lots that will prohibit development (accessory buildings and structures would otherwise be allowed in this area of a residential lot) and require ongoing maintenance of trees and other vegetation that provide screening, along with maintenance of drainage facilities along the rear of the lots. Such an easement would be recorded as part of the recordation of the Final Map for the subdivision.

ATTACHMENTS

- A. FEIR, Volume II (Revised Draft EIR), Figure 3-4
- B. Memorandum from Acting County Geologist, dated January 21, 2015

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Memorandum to Planning Staff via email, 1/21/2015

Review of geologic portions of the Ascension Heights Subdivision Project Draft EIR, dated April 2014

4.4 Geology & Soils

pages 4.4-1 to 4.4-16

the descriptions of the geology and past human activities on this site and its immediate vicinity combine to provide a clear picture of past slope failures and soil erosion. Past grading in various parts of the site over a period of at least 30 years has removed, reconfigured, and destabilized much of the near-surface materials. some past evidence of these disturbances has been removed by subsequent grading.

no evidence was found for the presence of existing or incipient deep-seated or large landslides on this site. There are many factors that contribute to the instability of a slope, and geologists have an array of tools available that allow them to identify these features. Investigations on this site have involved field mapping, subsurface excavations, analysis of aerial photographs, and historical review of past human activities. These methods are modern standards of practice.

development of this area will undoubtedly improve the surface drainage, and curtail the development of erosional features such as are evident on the site now (gullies, depressions, etc.).

There are a number of regulatory agencies that have jurisdiction in San Mateo County, all of whom have been cited and their concerns and rules considered in this document.

The proposed mitigation measures appear to be thorough and will address the geologic hazards identified earlier in the document. There are geologic, engineering and architectural tools and practices that can be used to create a safe and stable site. Geologic hazards cannot always be eliminated, but they can be identified and mitigated. Events such as earthquakes and associated phenomena can be anticipated and taken into account in development plans.

Supplemental Geotechnical Investigation, Proposed Ascension Heights Subdivision by Michelucci & Associates, Inc. 12/5/2013

this study was undertaken by Joseph Michelucci, who is a highly experienced and well-regarded geotechnical engineer. It is a supplement to their first geotechnical study of this site, which was dated 12/16/2002. The procedures described in both of these reports are appropriate for the questions and problems that will arise as this project matures.

The conclusions and recommendations in the reports are based on data obtained from original research on the site and study of work by others in this area.

It is highly unlikely that the subsurface conditions at this site have changed within historic time. The near-surface materials have changed due to water-related erosion, shallow slope failures, and grading.

submitted 1/21/2015

J.F. DeMouthe

Acting San Mateo County Geologist